

REMARKS

Claims 1-4 are pending in this application. By this Amendment, claim 1 has been amended. No new matter has been added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because [e.g. they are made in response to arguments raised in the final rejection]. Entry of the amendments is thus respectfully requested.

Claims 1-4 were rejected under 35 U.S.C. §103(a) over Foland (U.S. Patent No. 2,958,166) or Riley et al. (U.S. Patent No. 7,048,620) in view of Rutherford et al. (U.S. Patent No. 5,692,950). The rejection is respectfully traversed.

Neither Foland, Riley nor Rutherford teach an apparatus for polishing a surface plastic layer of an optical disk comprising a rotatable polishing body holder for holding a polishing body, wherein a rotational axis of the rotatable polishing body holder is arranged in parallel with a rotational axis of a rotatable polished body holder, and the rotational axis of the rotatable polishing body holder is placed outside of the polished body. Furthermore, the cited prior art does not teach a buffer member provided between the polishing body and a rigid member, which is deformable within the range of 0.05 to 0.3 mm when pressed with a predetermined contact pressure required for polishing.

In the Office Action, the Examiner asserts that because Rutherford discloses the buffer material being made of the same material as the claimed invention (polyurethane, col. 8, lines

24-27), and is of the same thickness (1 to 2 mm thick, col. 7, lines 33-36) and the same pressure is applied (3-20kPa, col. 10, lines 8-10) at the buffer member of Rutherford would *inherently* deform within the disclosed range. Rutherford teaches that the buffer material is made of a resilient material that foamed or blown to produce a porous organic structure such as a foam (col. 8, lines 21-24). As is understood by those skilled in the art, the resiliency of a polyurethane foam is dependent upon many factors and it is impossible to predict the amount of deformation a particular foam buffer member would undergo without particular information with regard to the construction of the buffer member. The deformation of the buffer member, as recited in claim 1, is critical to the operation of the claimed invention, for reference see specification, page 4, lines 1-19 and page 5, line 16 - page 6, line 6. Therefore, not only is the inherency argument made by the Examiner improper but the critical nature of the claimed limitation requires that the Examiner find a similarly recited teaching in the prior art.

Furthermore, claim 1 has been amended to state that a rotational axis of the rotatable polishing body holder is arranged in parallel with a rotational axis of the rotatable polished body holder, and the rotational axis of the rotatable polishing body holder is placed outside of the polished body. This limitation is not found in the prior art and is unique in that the polishing surface of the polishing body leaves the surface of the polished body so that any trapped dirt will be ejected prior to the polishing body returning over the polished body.

Applicants respectfully request that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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